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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA *ex*
rel. ROBERT JACKSON TYLER, JR.,

Plaintiffs,
v.

MELINDA ELIZABETH SABADO
GREEN, et al.,
Defendants.

HON. ROBERT KIRSCH

Civil Action No. 21-16811 (GC) (TJB)

FILED *EX PARTE* & UNDER SEAL

**THE UNITED STATES' NOTICE OF ELECTION TO INTERVENE FOR
PURPOSES OF SETTLEMENT AND
MOTION FOR ENTRY OF CONSENT JUDGMENT**

On or about November 8, 2019, Relator Robert Jackson Tyler, Jr. ("Relator") filed a *qui tam* complaint under the False Claims Act in the United States District Court for the Northern District of Georgia. *United States ex rel. Tyler v. Green et al.*, Civil Action No. 19-5079 (TWT) ("the *Georgia Qui Tam*"). In the *Georgia Qui Tam*, Relator alleged that defendants Eric Karlewicz ("Karlewicz")², Nicco Romanowski ("Romanowski"), Empire Pain Center Holdings, LLC ("EPCH"), and 22 others

¹ Acting pursuant to authority conferred by 28 U.S.C. § 515.

² Mr. Karlewicz is named in the complaint as "Anthony Mazza."

violated the False Claims Act by defrauding Medicare and other federal health programs by engaging in a scheme to furnish medically unnecessary and unwanted back leg, arm and shoulder braces for Medicare patients.

On or about September 8, 2021, Relator's claims against Karlewicz, Romanowski, and EPCH were transferred to this Court from the United States District Court for the Northern District of Georgia. The claims against these three defendants were transferred to this Court based on a pre-existing criminal investigation led by the United States Attorney's Office for the District of New Jersey.³ While the claims against Karlewicz, Romanowski, and EPCH were transferred to this Court, the *Georgia Qui Tam* proceeded as against the remaining defendants in that action. On or about December 4, 2024, Relator filed a notice of voluntary dismissal of the *Georgia Qui Tam*; on December 16, 2024, the United States District Court for the Northern District of Georgia entered an order lifting the seal in that action.

In this action, on or about December 5, 2024, Relator filed a notice of voluntary dismissal as to Romanowski; the Court so-ordered that dismissal on December 9, 2024. *See* ECF Doc. No. 49. With the entry of that Order, Karlewicz and EPCH are the only defendants remaining in this action. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its election to intervene in this action as to Karlewicz and EPCH.

³ Both Romanowski and Karlewicz have pleaded guilty in their parallel criminal matters. *See United States v. Romanowski*, Crim. No. 23-1075 (ES); *United States v. Karlewicz*, Crim. No. 23-807 (ES).

The United States is intervening in this action as to Karlewicz and EPCH to effectuate a civil settlement agreement. In the civil settlement agreement, the parties agreed, among other things, to the filing of a proposed consent judgment as against Karlewicz and EPCH, jointly and severally, in the amount of \$63,800,000. A copy of the proposed consent judgment, signed by all parties, is being filed concurrently with this notice.

The proposed consent judgment also provides for the lifting of the seal as it relates to the Complaint, this notice of intervention, and the consent judgment, as well as all other matters occurring in this action after the consent judgment is entered. The United States further requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and the time for making an election to intervene should be extended.

Dated: Newark, New Jersey
December 23, 2024

Respectfully submitted,

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